

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against: )

NORMAN J. LACHMAN, M.D. )

Case No. 17-2004-161777

Physician's and Surgeon's )  
Certificate No. G-15903 )

Respondent. )  
\_\_\_\_\_ )

DECISION

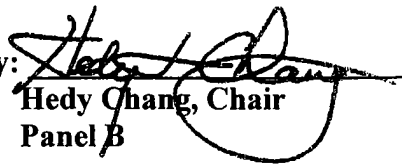
The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 9, 2009.

IT IS SO ORDERED October 8, 2009.

MEDICAL BOARD OF CALIFORNIA

By:

  
Hedy Chang, Chair  
Panel B

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 TRINA L. SAUNDERS,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 1702  
4 Los Angeles, California 90013  
(213) 620-2193  
5 (213) 897-9395 (facsimile)  
6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 NORMAN J. LACHMAN, M.D.  
13 Physician's and Surgeon's Certificate No.  
14 G 15903,  
15 Respondent.

Case No. 17-2004-161777  
OAH No. 2008080669

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17 In the interest of a prompt and speedy settlement of this matter, consistent with the  
18 public interest and the responsibility of the Medical Board of California, Department of  
19 Consumer Affairs ("the Board"), the parties agree to the following stipulated settlement which  
20 will be submitted to the Board for its approval and adoption as the final disposition of the  
21 Accusation.

22 **PARTIES**

- 23 1. Complainant David Thornton, the Executive Director of the Medical  
24 Board of California. He brought this action solely in his official capacity and is represented in  
25 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Trina L.  
26 Saunders, Deputy Attorney General.
- 27 2. Respondent Norman Lachman, M.D. ("Respondent") is represented in this  
28 proceeding by Attorney Peter Osinoff of Bonne, Jones, Bridges, et al, whose address is 3699

1 Wilshire Boulevard, 10th Floor, Los Angeles, California 90010-2719.

2 3. On December 13, 1968, the Board issued Physician's and Surgeon's  
3 Certificate No. G15903 to Respondent Norman Lachman, M.D. Respondent placed this  
4 certificate in inactive status, effective March 30, 2006.

5 **JURISDICTION**

6 4. Accusation No. 17-2004-1617776 was filed before the Board on July 13,  
7 2007, and is currently pending against Respondent. The Accusation, together with all other  
8 statutorily required documents, was duly served on Respondent in accordance with the California  
9 Administrative Procedure Act, and Respondent timely filed a Notice of Defense contesting the  
10 accusation. A copy of the accusation is attached as Exhibit A and is incorporated herein by  
11 reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read and discussed with his counsel the nature of  
14 the charges and allegations in the accusation and the effects of this stipulated settlement and  
15 order.

16 6. Respondent is fully aware of his legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the accusation, the right to be represented by  
18 counsel at his own expense, the right to confront and cross-examine the witnesses against him,  
19 the right to present evidence and to testify on his own behalf, the right to the issuance of  
20 subpoenas to compel the attendance of witnesses and the production of documents, the right to  
21 reconsideration and court review of an adverse decision, and all other rights accorded by the  
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
24 each and every right set forth above.

25 **CULPABILITY**

26 8. Respondent understands and agrees that the charges and allegations in  
27 Accusation No. 17-2004-161777, if proven at a hearing, constitute cause for imposing discipline  
28

1 against his Physician's and Surgeon's Certificate No.G15903. Respondent does not admit the  
2 charges.

3 9. For the purpose of resolving the Accusation without the expense and  
4 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
5 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up  
6 his right to contest those charges.

7 10. Respondent agrees that his Physician's and Surgeon's license is subject to  
8 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the  
9 Disciplinary Order below.

#### 10 CONTINGENCY

11 11. This stipulation shall be subject to the approval of the Board. Respondent  
12 understands and agrees that the Board's staff and counsel for complainant may communicate  
13 directly with the Board regarding this stipulation, without notice to or participation by  
14 Respondent or his counsel. If the Board fails to adopt this stipulation as its order, the stipulated  
15 settlement, except for this paragraph, shall be of no force or effect. The stipulated settlement  
16 shall be inadmissible in any legal action between the parties and the Board shall not be  
17 disqualified from further action by having considered this matter.

18 12. The parties agree that facsimile copies of this stipulated settlement,  
19 including facsimile signatures on it, shall have the same force and effect as the original.

20 13. In consideration of the foregoing admissions and stipulations, the parties  
21 agree that the Division shall, without further notice or formal proceeding, issue and enter the  
22 following Disciplinary Order:

#### 23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No.  
25 G15903 is revoked. However, revocation is stayed, and Respondent is placed on probation for  
26 five (5) years upon the following terms and conditions:

27 A. CLINICAL ASSESSMENT AND TRAINING PROGRAM. Within 60  
28 calendar days of the effective date of this decision, Respondent shall enroll in a clinical training

1 or educational program equivalent to the Physician Assessment and Clinical Education Program  
2 (PACE) offered at the University of California - San Diego School of Medicine ("Program").

3           The Program shall consist of a Comprehensive Assessment program comprised of  
4 a two-day assessment of Respondent's physical and mental health; basic clinical and  
5 communication skills common to all clinicians; and medical knowledge, skill and judgment  
6 pertaining to Respondent's specialty or sub-specialty, and at minimum, a 40 hour program of  
7 clinical education in the area of practice in which Respondent was alleged to have been deficient  
8 and which takes into account data obtained from the assessment, Decision, Accusation, and any  
9 other information that the Division or its designee deems relevant. Respondent shall pay all  
10 expenses associated with the clinical training program.

11           Based upon Respondent's performance and test results in the assessment and  
12 clinical education, the Program will advise the Division or its designee of its recommendation(s)  
13 for the scope and length of any additional educational or clinical training, treatment for any  
14 medical condition, treatment for any psychological condition, or anything else affecting  
15 Respondent's practice of medicine. Respondent shall comply with Program recommendations.

16           At the completion of any additional educational or clinical training, Respondent  
17 shall submit to and pass an examination. The Program's determination whether or not  
18 Respondent passed the examination or successfully completed the Program shall be binding.

19           Respondent shall complete the Program not later than six months after  
20 Respondent's initial enrollment unless the Division or its designee agrees in writing to a later  
21 time for completion.

22           Failure to participate in and complete successfully all phases of the clinical  
23 training program outlined above is a failure to fulfill this condition precedent.

24           Failure to complete the entire Program, including any additional recommended  
25 evaluation, treatment or training, not later than six months after Respondent's initial enrollment  
26 shall constitute a violation of this condition unless the Division or its designee agrees in writing  
27 to a later time for completion.

28 //

1           The Program's determination whether or not Respondent completed the Program  
2 shall be binding.

3           Respondent shall not practice medicine until he has successfully completed the  
4 Program and has been so notified by the Board or its designee in writing, except that Respondent  
5 may practice within the clinical assessment and training program approved by the Board or its  
6 designee. Respondent's practice of medicine shall be restricted only to that which is required by  
7 the approved training program.

8           B.     ETHICS COURSE. Within 60 calendar days of the effective date of this  
9 Decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in  
10 advance by the Division or its designee. Failure to successfully complete the course during the  
11 first year of probation is a violation of probation.

12           An ethics course taken after the acts that gave rise to the charges in the  
13 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the  
14 Division or its designee, be accepted towards the fulfillment of this condition if the course would  
15 have been approved by the Division or its designee had the course been taken after the effective  
16 date of this Decision.

17           Respondent shall submit a certification of successful completion to the Division or  
18 its designee not later than 15 calendar days after successfully completing the course, or not later  
19 than 15 calendar days after the effective date of the Decision, whichever is later.

20           C.     PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days  
21 from the effective date of this Decision, Respondent shall enroll in a professional boundaries  
22 program, at Respondent's expense, equivalent to the Professional Boundaries Program, Physician  
23 Assessment and Clinical Education Program at the University of California, San Diego School of  
24 Medicine ("Program"). Respondent, at the Program's discretion, shall undergo and complete the  
25 Program's assessment of Respondent's competency, mental health and/or neuropsychological  
26 performance, and at minimum, a 24 hour program of interactive education and training in the  
27 area of boundaries, which takes into account data obtained from the assessment and from the  
28 Decision(s), Accusation(s) and any other information that the Division or its designee deems

1 relevant. The Program shall evaluate Respondent at the end of the training and the Program shall  
2 provide any data from the assessment and training as well as the results of the evaluation to the  
3 Division or its designee.

4 Failure to complete the entire Program not later than six months after Respondent's  
5 initial enrollment shall constitute a violation of probation unless the Division or its designee  
6 agrees in writing to a later time for completion. Based on Respondent's performance in and  
7 evaluations from the assessment, education, and training, the Program shall advise the Division  
8 or its designee of its recommendation(s) for additional education, training, psychotherapy and  
9 other measures necessary to ensure that Respondent can practice medicine safely. Respondent  
10 shall comply with Program recommendations. At the completion of the Program, Respondent  
11 shall submit to a final evaluation. The Program shall provide the results of the evaluation to the  
12 Division or its designee.

#### 13 STANDARD CONDITIONS

14 D. NOTIFICATION. Prior to engaging in the practice of medicine,  
15 Respondent shall provide a true copy of the Decision and Accusation to the Chief of Staff or the  
16 Chief Executive Officer at every hospital where privileges or membership are extended to  
17 Respondent, at any other facility where Respondent engages in the practice of medicine,  
18 including all physician and locum tenens registries or other similar agencies, and to the Chief  
19 Executive Officer at every insurance carrier which extends malpractice coverage to Respondent.  
20 Respondent shall submit proof of compliance to the Board or its designee within 15 calendar  
21 days of the effective date of this Decision.

22 This condition shall apply to any changes in hospitals, other facilities, or  
23 insurance carrier during the course of Respondent's probation.

24 E. PHYSICIAN ASSISTANTS. During probation, Respondent is prohibited  
25 from supervising physician assistants.

26 F. OBEY ALL LAWS. Respondent shall obey all federal, state, and local  
27 laws and rules governing the practice of medicine in the State of California and remain in full  
28 compliance with any court-ordered criminal probation, payments, and other orders.

1                   G.     QUARTERLY DECLARATIONS. Respondent shall submit quarterly  
2 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
3 been compliance with all the conditions of probation. Respondent shall submit quarterly reports  
4 not later than ten (10) calendar days after the end of the preceding quarter.

5                   H.     PROBATION UNIT COMPLIANCE. Respondent shall comply with the  
6 Board's probation unit. Respondent shall, at all times, keep the Board informed of Respondent's  
7 business and residence addresses. Changes of such addresses shall be immediately  
8 communicated in writing to the Board or its designee. Under no circumstances shall a post  
9 office box serve as an address of record, except as allowed by Business and Professions Code  
10 section 2021(b).

11                   Respondent shall not engage in the practice of medicine in Respondent's place of  
12 residence. Respondent shall maintain a current and renewed California physician and surgeon's  
13 license.

14                   Respondent shall immediately inform the Board or its designee, in writing, of  
15 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,  
16 more than thirty (30) calendar days.

17                   I.     INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent  
18 shall be available for interviews either at Respondent's place of business or at the probation unit  
19 office, with the Board or its designee upon request at various intervals and either with or without  
20 notice throughout the term of probation.

21                   J.     RESIDING OR PRACTICING OUT-OF-STATE. In the event  
22 Respondent should leave the State of California to reside or to practice, Respondent shall notify  
23 the Board or its designee in writing thirty (30) calendar days prior to the dates of departure and  
24 return. Non-practice is defined as any period of time exceeding thirty (30) calendar days in  
25 which Respondent is not engaging in any activities defined in sections 2051 and 2052 of the  
26 Business and Professions Code.

27                   All time spent in an intensive training program outside the State of California  
28 which has been approved by the Board or its designee shall be considered as time spent in the



1 practice of medicine within California. A Board-ordered period of suspension of practice shall  
2 not be considered as a period of non-practice. Periods of temporary or permanent residence or  
3 practice outside of California will not apply to the reduction of the probationary period. Periods  
4 of temporary or permanent residence or practice outside of California will relieve Respondent of  
5 the conditions with the exception of this condition and the following terms and conditions of  
6 probation: Obey all laws and Probation Unit Compliance.

7 Respondent's license shall be automatically canceled if Respondent's periods of  
8 temporary or permanent residence or practice outside of California total two years. However,  
9 Respondent's license shall not be canceled as long as Respondent is residing and practicing  
10 medicine in another State of the United States and is on active probation with the medical  
11 licensing authority of that State, in which case the two year period shall begin on the date  
12 probation is completed or terminated in that State.

13 K. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT. In  
14 the event Respondent resides in the State of California and for any reason Respondent stops  
15 practicing medicine in California, he shall notify the Board or its designee in writing within 30  
16 calendar days prior to the dates of non-practice and return to practice. Any period of non-  
17 practice in California, as defined in this condition, will not apply to the reduction of the  
18 probationary term and does not relieve Respondent of the responsibility to comply with the terms  
19 and conditions of probation. Non-practice is defined as any period of time exceeding 30 calendar  
20 days in which Respondent is not engaging in any activities defined in sections 2051 and 2052 of  
21 the Business and Professions Code.

22 All time spent in an intensive training program which has been approved by the  
23 Board or its designee shall be considered time spent in the practice of medicine. For purposes of  
24 this condition, non-practice due to a Board-ordered suspension or in compliance with any other  
25 condition of probation, shall not be considered a period of non-practice.

26 Respondent's license shall be automatically canceled if Respondent resides  
27 in California and for a total of two (2) years, fails to engage in the practice of medicine in  
28 California, as defined in sections 2051 and 2052 of the Business and Professions Code.

1 L. COMPLETION OF PROBATION. Respondent shall comply with all  
2 financial obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar  
3 days prior to the completion of probation. Upon successful completion of probation,  
4 Respondent's medical certificate shall be fully restored.

5 M. VIOLATION OF PROBATION. Failure to fully comply with any term or  
6 condition of probation is a violation of probation. If Respondent violates probation in any  
7 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke  
8 probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to  
9 Revoke Probation, or Interim Suspension Order is filed against Respondent during probation, the  
10 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall  
11 be extended until the matter is final.

12 N. LICENSE SURRENDER. Following the effective date of this Decision, if  
13 Respondent ceases practice due to retirement or health reasons or is otherwise unable to satisfy  
14 the terms and conditions of probation, he may request to voluntarily surrender his license. The  
15 Board reserves the right to evaluate Respondent's request and exercise its discretion as to  
16 whether to grant the request, or to take any other action deemed appropriate and reasonable under  
17 the circumstances. Upon formal acceptance of the surrender, Respondent shall, within 15  
18 calendar days, deliver his wallet and wall certificate to the Board or its designee, and Respondent  
19 shall no longer practice medicine in the State of California. Respondent will no longer be  
20 subject to the terms and conditions of probation, and the surrender of Respondent's license shall  
21 be deemed disciplinary action. If Respondent reapplies for a medical license, the application  
22 shall be deemed a petition for reinstatement of a revoked certificate. Respondent will be required  
23 to comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
24 effect at the time the petition is filed, and all of the charges and allegations contained in  
25 Accusation No. 17-2004-161777 shall be deemed to be true, correct and admitted by Respondent  
26 when the Board determines whether to grant or deny the petition.

27 Nothing in this stipulation prevents Respondent from changing the status of his  
28 license to disabled, if he so qualifies.

1 O. PROBATION MONITORING COSTS. Respondent shall pay the costs  
2 associated with probation monitoring each and every year of probation, as designated by the  
3 Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical  
4 Board Medicine and delivered to the Board or its designee within 60 days after the start of the  
5 new fiscal year. Failure to pay costs within 30 calendar days of this date is a violation of  
6 probation.

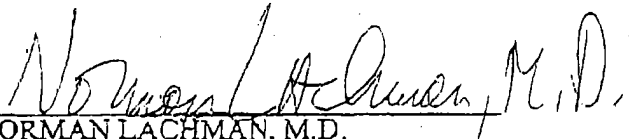
7 P. INACTIVE STATUS LICENSE. Respondent's physician and surgeon's  
8 certificate is presently in inactive status, which, Respondent acknowledges and agrees, precludes  
9 him from practicing medicine. All terms and conditions of this Stipulated Decision and  
10 Disciplinary Order shall remain in full force and effect (including the automatic cancellation  
11 provision for two years of non-practice in California). However, all terms and conditions which  
12 require and presuppose the authority to practice medicine to fulfill are tolled, including  
13 provisions A (Clinical Assessment and Training Program), B (Ethics Course), C (Professional  
14 Boundaries Course), D (Notification), E (Physician Assistants), G (Quarterly Declarations), I  
15 (Interview with Board or Designee), and O (Probation Monitoring Costs). If Respondent wishes  
16 to resume the practice of medicine and return to active status at any time before his certificate  
17 would be canceled for non-practice (Condition K), all conditions of probation will be imposed  
18 effective the date of return to active status. Respondent is aware that the Clinical Assessment  
19 and Training Program (Condition A), Ethics Course (Condition B), and Professional Boundaries  
20 Course (Condition C), are conditions precedent to resuming the practice of medicine, except  
21 within the confines of the program. Respondent agrees that any further limitations on practice  
22 recommended by the Clinical Assessment and Training Program shall become part of his  
23 probation.

#### 24 ACCEPTANCE

25 I have carefully read the above Stipulation and have fully discussed its terms and  
26 conditions with my attorney, Peter Osinoff. I understand the effect this stipulation will have on  
27 my physician and surgeon's certificate. I enter into this stipulated settlement voluntarily,  
28 knowingly, and intelligently, and I agree to be bound by the order and decision of the Medical

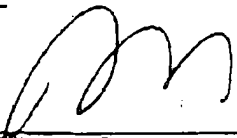
1 Board of California. I further agree that a facsimile copy of this stipulated settlement, including  
2 facsimile copies of signatures, may be used with the same force and effect as the original.

3 DATED: 4/14/09

4  
5   
6 NORMAN LACHMAN, M.D.  
7 Respondent

8 I have read and fully discussed with Respondent Norman Lachman, M.D. the terms and  
9 conditions and other matters contained in the above stipulated settlement. I approve its form and  
10 content.

11 DATED: 5/1/09


12  
13   
14 PETER OSINOFF  
15 BONNE JONES BRIDGES ET AL  
16 Attorney for Respondent

17 ENDORSEMENT

18 The foregoing Stipulation is hereby respectfully submitted for consideration by  
19 the Medical Board of California, Department of Consumer Affairs.

20 DATED: May 1, 2009

21 EDMUND G. BROWN JR., Attorney General  
22 of the State of California

23  
24   
25 TRINA L. SAUNDERS  
26 Deputy Attorney General  
27 Attorneys for Complainant  
28

**Exhibit A**

**Accusation No. 17-2004-161777**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 ADRIAN K. PANTON, State Bar No. 64459  
Deputy Attorney General  
4 California Department of Justice  
300 South Spring Street, Room 1702  
5 Los Angeles, California 90013  
Telephone: (323) 869-2573  
6 Facsimile: (323) 869-2541

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 17-2004-161777

14 NORMAN J. LACHMAN, M.D.  
862 N. Kenter Avenue  
15 Los Angeles, California 90049

**ACCUSATION**

16 Physician's and Surgeon's Certificate No.  
G 15903,

Respondent.

17  
18 Complainant alleges:

19  
20 **PARTIES**

21 1. David T. Thornton (Complainant) brings this Accusation in his official  
22 capacity as the Executive Director of the Medical Board of California (Board).

23 2. On or about December 13, 1968, the Board issued Physician's and  
24 Surgeon's Certificate Number G 15903 to Norman J. Lachman, M.D. (Respondent). The  
25 Physician's and Surgeon's Certificate is inactive and will expire on August 31, 2009, unless  
26 renewed.

27 //

28 //

**JURISDICTION**

1  
2           3.     This Accusation is brought before the Board under the authority of the  
3 following sections of the Business and Professions Code (Code).

4           4.     Section 2227 of the Code provides that a licensee who is found guilty  
5 under the Medical Practice Act may have his or her license revoked, suspended for a period not  
6 to exceed one year, placed on probation and required to pay the costs of probation monitoring, or  
7 such other action taken in relation to discipline as the Division deems proper.

8           5.     Section 2234 of the Code states:

9           "The Division of Medical Quality shall take action against any licensee who is  
10 charged with unprofessional conduct. In addition to other provisions of this article,  
11 unprofessional conduct includes, but is not limited to, the following:

12           "(a) Violating or attempting to violate, directly or indirectly, assisting in or  
13 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5,  
14 the Medical Practice Act].

15           "(b) Gross negligence.

16           "(c) Repeated negligent acts. To be repeated, there must be two or more  
17 negligent acts or omissions. An initial negligent act or omission followed by a separate  
18 and distinct departure from the applicable standard of care shall constitute repeated  
19 negligent acts.

20           "(1) An initial negligent diagnosis followed by an act or omission medically  
21 appropriate for that negligent diagnosis of the patient shall constitute a single negligent  
22 act.

23           "(2) When the standard of care requires a change in the diagnosis, act, or  
24 omission that constitutes the negligent act described in paragraph (1), including, but not  
25 limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's  
26 conduct departs from the applicable standard of care, each departure constitutes a separate  
27 and distinct breach of the standard of care.

28           "(d) Incompetence.





1 but not all, of the subsequent sessions were conducted through e-mail or over the phone.  
2 Respondent insisted on almost daily sessions and many of the phone sessions were three  
3 to four hours long. In addition, M.B. met with Respondent almost every Saturday and  
4 Sunday for sessions which lasted at least three hours. For the phone sessions, Respondent  
5 would usually initiate the call. Although M.B. maintained a full-time job while studying  
6 for the GMAT (Graduate Management Admission Test), Respondent would usually call  
7 after 9:00 p.m. and expected M.B. to prepare written analyses of their sessions before he  
8 went to bed. Respondent would then critique the analyses. Many of the critiques were by  
9 e-mail which often arrived after 12:00 a.m. In addition, Respondent ordered M.B. to  
10 prepare written assignments based on his notes and although M.B. asked Respondent to  
11 reduce the homework because of his work schedule, Respondent refused.

12 D. The face to face sessions were conducted in Respondent's home where, on  
13 occasion, Respondent struck M.B. in the stomach, chest and legs with a cane. On at least  
14 one occasion, Respondent struck M.B. in his testicles with his hand. Over the course of  
15 the sessions Respondent called M.B. stupid and crazy. This claim was corroborated by  
16 Dr. J.M. who noted that Respondent called M.B. stupid during their conjoint sessions.  
17 Dr. J.M. further noted that Respondent was emotionally abusive toward M.B. As  
18 examples of this emotional abuse, M.B. stated: Respondent made him buy dog food and  
19 threatened to make him eat it; Respondent ordered him not to contact his sister, I.B.,  
20 without his permission; Respondent referred to M.B. by a girl's name and told him to  
21 imagine a male orally copulating him; Respondent asked M.B. to set him up with his  
22 female friends and also to send naked photos of M.B.'s girlfriends which Respondent  
23 would keep in his possession; and Respondent asked M.B. to record pornographic videos  
24 for him and made sexual innuendos regarding his sister, I.B.

25 E. I.B., who had also been in family therapy with Respondent as a teenager,  
26 contacted him again in 2000 because of problems she was having with her then boyfriend.  
27 In March 2002, at age 28, I.B. commenced therapy with Dr. J.M., a psychologist and  
28 terminated her sessions with Respondent in April 2003. In October 2001, I.B.'s

1 boyfriend submitted a complaint to the Board regarding the frequency, locations, and  
2 duration of the sessions I.B. had with Respondent. According to M.B., Respondent was  
3 informed of the complaint by the father of I.B. and M.B. Respondent then directed M.B.  
4 and his sister to prepare a written defense of Respondent's actions which Respondent  
5 modified before it was sent to the Board under I.B.'s name in December 2001.

6 F. I.B.'s sessions with Respondent were also very discomfoting. Respondent  
7 was very controlling and isolated her from her family and friends. On one occasion,  
8 Respondent called while I.B. was at the library. Respondent told her she did not have his  
9 permission to be at the library. Respondent also told I.B. to stop attending Alcoholics  
10 Anonymous meetings even though he was aware of her drinking problem. There were  
11 occasions where Respondent made sexually charged comments to I.B. He told her she  
12 was a hot tamale and that she would have been attracted to him when he was younger.  
13 After I.B. terminated the relationship with her boyfriend and expressed that she was  
14 sexually attracted to other males, Respondent inquired about the details of her sex life.

15 G. According to M.B., Respondent never furnished a bill for his services  
16 because he was receiving disability insurance based on his 1994 automobile accident.  
17 Respondent maintained that his time was a gift and M.B. was directed to repay him a  
18 financial gift which M.B. was not to deduct on his taxes as medical services. In response  
19 to Respondent's directives, M.B. made his checks payable to Respondent's accountant or  
20 simply wrote "gift" on the check. During one session M.B. mentioned that he had an  
21 extra computer. Respondent asked M.B. to give it to him and M.B. complied. About two  
22 years later, Respondent told M.B. that the computer was a piece of crap and insisted that  
23 M.B. get him a new one. M.B. purchased a new computer system for Respondent which  
24 cost \$3,400. During several of the face to face sessions, Respondent would suggest going  
25 to dinner at various restaurants where Respondent would continue the sessions in the  
26 presence of other patrons and servers. I.B. was also present at several of these sessions  
27 and Respondent expected them to pay for the meals in addition to the sessions. M.B.  
28 estimated that Respondent was taken out for meals about six times a week over a period

1 of several months..

2 H. There came a point during M.B.'s therapy when Respondent instituted a  
3 system where fines were imposed for various infractions such as allowing Respondent to  
4 do most of the talking or M.B. making inappropriate comments. Over the course of about  
5 six months, M.B. incurred fines totaling \$80,000 which Respondent said were only a  
6 fraction of the fines actually incurred and which M.B. was directed to pay by obtaining a  
7 loan from a bank. When M.B. was unable to qualify for a personal loan for \$80,000,  
8 Respondent decided to forgive the debt.

9 I. Over time, Respondent became increasingly concerned that he would not  
10 be paid and asked M.B. to provide financial notes of the debt owed which was to include  
11 time for services rendered to I.B. and the father of M.B. and I.B. Respondent never  
12 provided a figure but told M.B. that his services were \$150 per hour and for M.B. to do  
13 the math. M.B. gave Respondent two notarized promissory notes dated July 2, 2002.  
14 One note was for \$200,000 and the second for \$300,000. In addition, M.B. made  
15 provisions in his Will for the payment of the promissory notes to Respondent and for the  
16 payment to Respondent of an additional \$300,000, in the event Respondent was alive at  
17 the time of M.B.'s death. During the year 2003, M.B. wrote three cashier checks payable  
18 to Respondent with the notation "gift" on the checks. The checks were dated July 21,  
19 August 25 and November 14, respectively, and totaled \$73,073.12. Respondent did not  
20 immediately cash the checks and M.B. stopped payment in May 2004 after he terminated  
21 the therapeutic relationship. Subsequent to the stopped payment orders, Respondent  
22 unsuccessfully presented the endorsed checks for payment.

23 8. Respondent's involvement with I.B. and M.B., both individually and  
24 jointly, involved a physician-patient relationship. The standard of practice requires avoidance of  
25 conflicting relationships, and the avoidance of treatment modalities involving physical abuse,  
26 emotional abuse, and berating, insulting, and demeaning behavior towards patients. Also to be  
27 avoided are comments with sexual overtones, therapy in public places, undefined session times,  
28 and extended telephone and e-mail sessions. The standard of care further requires a physician to

1 maintain patient records and establish a defined financial arrangement for services provided.

2 9. The following acts and/or omissions by Respondent with respect to  
3 patients M.B. and I.B., individually and/or collectively, represent extreme departures from the  
4 standard of care:

5 A. Physically striking M.B.;

6 B. Berating and insulting M.B.;

7 C. Conducting therapeutic sessions with I.B. and/or M.B. in public  
8 facilities;

9 D. Conducting therapeutic sessions with I.B. and/or M.B. without  
10 specified time limits;

11 E. Conducting extended therapeutic sessions with I.B. and/or M.B.  
12 over the telephone;

13 F. Conducting therapeutic sessions with M.B. by e-mail;

14 G. Failing to maintain records for I.B. and/or M.B. ;

15 H. Failing to establish definitive financial arrangements for payment  
16 for Respondent's services to I.B. and/or M.B.;

17 I. Instituting a system of fines for M.B.;

18 J. Directing M.B. to note on financial instruments that payments to  
19 Respondent were gifts; and

20 K. Permitting I.B. and/or M.B. to provide him with computers, meals  
21 and other items in association with his services as a physician.

22  
23 **SECOND CAUSE FOR DISCIPLINE**

24 (Repeated Negligent Acts)

25 10. Respondent is subject to disciplinary action under Code section 2234,  
26 subdivision (c) in that he engaged in repeated negligent acts in the care and treatment of patients  
27 M.B. and I.B. The circumstances are as follows:

28 A. The facts and allegations in paragraphs 7 and 8, are incorporated here by

1 reference.

2 11. The following acts and/or omissions by Respondent constitute negligent  
3 acts committed in the care and treatment of patients M.B. and I.B.:

- 4 A. Physically striking M.B.;
- 5 B. Berating and insulting M.B.;
- 6 C. Conducting therapeutic sessions with I.B. and/or M.B. in public  
7 facilities;
- 8 D. Conducting therapeutic sessions with I.B. and/or M.B. without  
9 specified time limits;
- 10 E. Conducting extended therapeutic sessions with I.B. and/or M.B.  
11 over the telephone;
- 12 F. Conducting therapeutic sessions with M.B. by e-mail;
- 13 G. Failing to maintain records for I.B. and/or M.B. ;
- 14 H. Failing to establish definitive financial arrangements for payment  
15 for Respondent's services to I.B. and/or M.B.;
- 16 I. Instituting a system of fines for M.B.;
- 17 J. Directing M.B. to note on financial instruments that payments to  
18 Respondent were gifts; and
- 19 K. Permitting I.B. and/or M.B. to provide him with computers, meals  
20 and other items in association with his services as a physician.

21

22 **THIRD CAUSE FOR DISCIPLINE**

23 (Incompetence)

24 12. Respondent is subject to disciplinary action under Code section 2234,  
25 subdivision (d) in that he was incompetent in the care and treatment of patients M.B. and I.B.

26 The circumstances are as follows:

- 27 A. The facts and allegations in paragraphs 7 through 9, are incorporated here  
28 by reference.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Failing to Maintain Adequate and Accurate Records)

3 13. Respondent is subject to disciplinary action under Code section 2266 in  
4 that he failed to maintain adequate and accurate records with respect to his care and treatment of  
5 patients M.B. and I.B. The circumstances are as follows:

6 A. The facts and allegations in paragraphs 7 and 8, are incorporated here by  
7 reference.

8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
10 herein alleged, and that following the hearing, the Division of Medical Quality issue a decision:

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number
- 12 G 15903 issued to Norman J. Lachman, M.D.;
- 13 2. Revoking, suspending or denying approval of Norman J. Lachman, M.D.'s
- 14 authority to supervise physician's assistants, pursuant to section 3527 of the Code;
- 15 3. If placed on probation, ordering Norman J. Lachman, M.D. to pay the
- 16 Division of Medical Quality the costs of probation monitoring;
- 17 4. Taking such other and further action as deemed necessary and proper.

18 DATED: July 13, 2007.

19  
20   
21 DAVID T. THORNTON  
22 Executive Director  
23 Medical Board of California  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant  
27  
28